

UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF WISCONSIN

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ALVIN BALDUS, CINDY BARBERA,  
CARLENE BECHEN, RONALD BIENDSEIL,  
ROSS BOONE, VERA BOONE, ELVIRA  
BUMPUS, EVANJELINA CLEEREMAN,  
SHEILA COCHRAN, LESLIE W. DAVIS III,  
BRETT ECKSTEIN, MAXINE HOUGH,  
CLARENCE JOHNSON, RICHARD KRESBACH,  
RICHARD LANGE, GLADYS MANZANET,  
ROCHELLE MOORE, AMY RISSEEUW, JUDY  
ROBSON, GLORIA ROGERS, JEANNE  
SANCHEZ-BELL, CECELIA SCHLIEPP,  
TRAVIS THYSSEN,<sup>1</sup>

Civil Action  
File No. 11-CV-562

Three-judge panel  
28 U.S.C. § 2284

Plaintiffs,

v.

Members of the Wisconsin Government  
Accountability Board, each only in his official  
capacity: MICHAEL BRENNAN, DAVID  
DEININGER, GERALD NICHOL, THOMAS  
CANE, THOMAS BARLAND, and TIMOTHY  
VOCKE, and KEVIN KENNEDY, Director and  
General Counsel for the Wisconsin Government  
Accountability Board,

Defendants.

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**PLAINTIFFS' FIRST SET OF INTERROGATORIES  
AND FIRST REQUEST FOR PRODUCTION OF DOCUMENTS**

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TO: Maria S. Lazar  
Assistant Attorney General  
Wisconsin Department of Justice  
17 West Main Street  
P.O. Box 7857  
Madison, Wisconsin 53701-7857

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<sup>1</sup> On November 18, 2011, plaintiffs filed their Second Amended Complaint and a complementary Motion to Amend the Caption.



## **DEFINITIONS**

1. "You" and "your" means the defendants individually and as a group, and all other persons acting on behalf of or in concert with the defendants, including, but not limited to, attorneys, investigators, employees, or agents.
2. "Individual" means any person characterized as an "individual" in "Defendants' Initial Rule 26(a) Disclosures" filed on November 12, 2011 ("Defendants' Disclosures").
3. "In your possession, custody or control" means all documents which are in the actual or constructive possession, custody or control of any of the defendants, their agents, employees, officers and all other persons acting on its or their behalf.
4. "Communication," "document," "to identify," and "person" are defined as provided in Civil L.R. 26(d)(2).

## **INTERROGATORIES**

PLEASE TAKE NOTICE that plaintiffs Alvin Baldus, Cindy Barbera, Carlene Bechen, Ronald Biendseil, Ross Boone, Vera Boone, Elvira Bumpus, Evanjelina Cleereman, Sheila Cochran, Leslie W. Davis III, Brett Eckstein, Maxine Hough, Clarence Johnson, Richard Kresbach, Richard Lange, Gladys Manzanet, Rochelle Moore, Amy Risseuw, Judy Robson, Gloria Rogers, Jeanne Sanchez-Bell, Cecelia Schliepp, and Travis Thyssen, by their attorneys Godfrey & Kahn, S.C., pursuant to Fed. R. Civ. P. 33 and the Court's Scheduling and Discovery Order dated November 14, 2011, hereby demand that defendants make full answer in writing under oath to the following questions within twenty (20) days after service of these interrogatories—that is, on or before December 12, 2011.

## **INSTRUCTIONS**

1. Answer each interrogatory separately and fully in writing under oath, unless it is objected to, in which event the reasons for objections must be stated in lieu of an answer.

2. An evasive or incomplete answer shall be considered a failure to answer under Fed. R. Civ. P. 33(b)(3).

3. You are under a continuing duty to seasonably supplement your response with respect to any question directly addressed to the identity and location of persons having knowledge of discoverable matters. Furthermore, you are under a similar duty to correct any incorrect response when you have later learned that it is incorrect.

4. For purposes of these interrogatories, when you are asked to identify a person, identify the person's full name, age, telephone number, and current residential and business addresses, together with a statement as to their relationship with you, if any, and if not presently related, a statement as to whether any such relationship ever existed and the inclusive dates of it.

5. In answering the interrogatories, you are required to furnish information that is available to you or available subject to reasonable inquiry, including information in possession of other persons, firms, partnerships, corporations, or associations directly or indirectly employed by or connected with you or anyone else otherwise subject to your control. This includes employees, contractors and agents of the Wisconsin State Senate and the Wisconsin State Assembly.

**INTERROGATORY NO. 1:**

Please identify all of the individuals or entities with whom or with which you consulted or communicated regarding the Rule 26(a) submission you exchanged with plaintiffs' counsel on November 16, 2011—whether before, during or after the submission's preparation.

**INTERROGATORY NO. 2:**

Please identify all of the individuals or entities with whom or with which you consulted or communicated regarding the preparation of your "Defendants' Answer and Affirmative Defenses ..." (the "Answer") that you filed on November 4, 2011. Identify, in addition, all of

the individuals or entities with whom or with which you shared either: a) any draft of that Answer and/or b) a copy of that Answer once filed.

**INTERROGATORY NO. 3:**

Please identify all of the individuals with whom you have had communications about the possibility or necessity of testifying as a lay or expert witness at the trial of this matter.

**INTERROGATORY NO. 4:**

Please identify all of the individuals, other than those employed at the Department of Justice, who have reviewed any draft materials of any kind connected with this litigation. If any of those individuals are members of the State Bar of Wisconsin, identify them along with the basis for the relationship between you and the individual.

**INTERROGATORY NO. 5:**

Please identify all of the “individuals” to which you refer anonymously in paragraphs 2 through 10 of Defendants’ Disclosures.

**INTERROGATORY NO. 6:**

Please identify all of the “experts” to which you refer anonymously in paragraphs 11 and 12 of Defendants’ Disclosures.

**INTERROGATORY NO. 7:**

Please identify and describe the “state and/or governmental interests” that, in your Answer you maintain are “directly advance[d]” by the new redistricting law and describe how they are advanced.

**INTERROGATORY NO. 8:**

Please identify all of the individuals or entities with whom or with which you consulted or communicated regarding the preparation of your responses to these interrogatories and document requests.

**INTERROGATORY NO. 9:**

Please identify all facts that support the Defendant's assertion that the 2011 maps are constitutional.

**REQUEST FOR PRODUCTION OF DOCUMENTS**

PLEASE TAKE NOTICE that plaintiffs, by their attorneys, pursuant to Fed. R. Civ. P. 34 and the Court's Scheduling and Discovery Order dated November 14, 2011, hereby demand that defendants, within twenty (20) days after service of this request—that is, on or before December 12, 2011—permit plaintiffs' attorneys to inspect and copy the following or, in the alternative, produce legible copies at the office of plaintiffs' attorneys, Godfrey & Kahn, S.C., One East Main Street, Suite 500, Madison, Wisconsin.

**INSTRUCTIONS**

1. Respond to each document request fully, unless it is objected to, in which event the reasons for objections must be stated in lieu of providing responsive documents.
2. An evasive or incomplete response shall be considered a failure to respond under Fed. R. Civ. P. 34(b)(2)(A) and (B).
3. You are under a continuing duty to correct any incorrect or incomplete response as soon as you learn that it is incorrect or incomplete.
4. In responding to these document requests, you are required to furnish information that is available to you or subject to your reasonable inquiry, including information in possession of other persons, firms, partnerships, corporations, or associations directly or indirectly employed by or connected with you or anyone else otherwise subject to your control. This includes employees, contractors and agents of the Wisconsin State Senate and the Wisconsin State Assembly.

5. If you refuse to produce a requested document, explain the grounds for the refusal and identify the document by describing its nature (*e.g.*, memo, letter, notes), date, author(s), recipient(s), and subject matter.

6. If any requested document is withheld based on either attorney-client privilege or the attorney work product doctrine or both, a privilege and work product log that complies with the Federal Rules of Civil Procedure related to discovery requests, specifically identifying the attorney or attorneys involved and the document, shall accompany the responses to these requests.

**DOCUMENT REQUEST NO. 1:**

Please produce any and all documents that defendants intend to introduce at the trial of this matter, scheduled for February 21 through 24, 2012, or whenever held.

**DOCUMENT REQUEST NO. 2:**

Please produce any and all documents identified in response or in connection with the preparation of the response to the Interrogatories above.

**DOCUMENT REQUEST NO. 3:**

Please produce the “documents,” including the “expert reports” and other materials that you identified in the Defendants’ Disclosures and that you admit already you have in your actual, possession, custody and control.

**DOCUMENT REQUEST NO. 4:**

Please produce any and all documents related to retaining the core population of Wisconsin’s prior (2002) districts, including but not limited to any data or analyses used by the legislature and/or its various bodies, or those individuals on the legislature’s behalf to draw the 2011 redistricting maps enacted as Acts 43 and 44.

**DOCUMENT REQUEST NO. 5:**

Please produce any and all documents related to maintaining communities of interest, including but not limited to any data or analyses, used by the legislature and/or its various bodies, or those individuals on the legislature's behalf, to draw the 2011 redistricting maps enacted as Acts 43 and 44.

**DOCUMENT REQUEST NO. 6:**

Please produce any and all documents related to shifting populations from even to odd state senate districts, including but not limited to any data or analyses, that were used by the legislature and/or its various bodies, or those individuals on the legislature's behalf, to draw the 2011 redistricting maps enacted as Acts 43 and 44.

**DOCUMENT REQUEST NO. 7:**

Please produce any and all documents related to establishing compact districts, including but not limited to any data or analyses, that were used by the legislature and/or its various bodies, or those individuals on the legislature's behalf, to draw the 2011 redistricting maps enacted as Acts 43 and 44.

**DOCUMENT REQUEST NO. 8:**

Please produce any and all documents related to minority voters, including but not limited to any data or analyses, that were used by the legislature and/or its various bodies, or those individuals on the legislature's behalf, to draw the 2011 redistricting maps enacted as Acts 43 and 44.

**DOCUMENT REQUEST NO. 9:**

Please produce any and all documents related to the preservation of political subdivision boundaries (e.g., counties, municipalities, wards and district lines drawn by local political units), including but not limited to any data or analyses, that were used by the legislature and/or its

various bodies, or those individuals on the legislature's behalf, to draw the 2011 redistricting maps enacted as Acts 43 and 44.

**DOCUMENT REQUEST NO. 10:**

Please produce any and all documents related to the partisan make-up and effect, including but not limited to any data or analyses, that were used by the legislature and/or its various bodies, or those individuals on the legislature's behalf, to draw the 2011 redistricting maps enacted as Acts 43 and 44.

**DOCUMENT REQUEST NO. 11:**

Please produce any and all documents related to the involvement of Democratic legislators in drawing the 2011 redistricting maps enacted as Acts 43 and 44.

**DOCUMENT REQUEST NO. 12:**

Please produce any and all documents related to census data from 1970 through 2010, including but not limited to, any documents detailing population growth and changes from 1970 through 2010.

**DOCUMENT REQUEST NO. 13:**

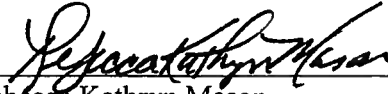
Please produce any and all documents used by the legislature to create the 2011 districts enacted as Acts 43 and 44.



Dated: November 22, 2011.

GODFREY & KAHN, S.C.

By:



Rebecca Kathryn Mason

State Bar No. 1055500

Wendy K. Arends\*

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*Attorneys for Plaintiffs*

*\*Admission to the United States District Court for the  
Eastern District of Wisconsin is pending.*

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